

REMARKS

Rejection of claims 1-17 under 35 U.S.C. §103(a)

The Examiner rejected claims 1-17 under 35 U.S.C. §103(a) as being unpatentable over Syed in view of Dennison. Claims 1-7 and 10-15 have been cancelled herein, and therefore need not be addressed. Claims 8, 9, 16 and 17 remain, and are addressed below.

Claims 8 and 16

Claims 8 and 16 are amended herein to put these claims in independent form, including all limitations in the independent claims upon which they depended. In the rejection of claims 8 and 16, the Examiner admits that Syed in view of Dennison is silent on the limitations: “wherein the call router further rings the portable phone when a call is received for the second phone if the portable phone is within the predetermined physical relationship with the second phone.” The Examiner then states:

The Examiner notes that Syed’s invention determines when the portable phone is nearby the wireline phone. Hence one skilled can operate Syed’s system in reverse manner whereby an incoming wireline call simultaneously rings the portable phone as well when the two are proximate.

The Examiner then cites to Mukerjee, which is out of place because Mukerjee was not relied upon as a basis for rejecting these claims. The Examiner concludes:

It would have been obvious to one skilled in the art at the time of the invention to modify Syed/Dennison, such that the mobile can be rung when the second phone has a call, to allow the user to choose to answer said call on the mobile phone.

Applicant respectfully asserts that the Examiner's rejection is in error. One of ordinary skill in the art would not be motivated to modify Syed/Dennison as suggested by the Examiner.

Syed teaches ringing a wireline unit 13 in FIG. 1 when a wireless unit 11 is in proximity to the wireline unit 13. This is possible because any call that is made to the wireless unit will be routed through the wireless telephone system that services the wireless unit. In FIG. 1, items 11, 29, 27, 37, 15, 33, 35 and 25 are all part of the wireless telephone system that makes the Syed system work. Note, however, that the wireline unit 13 is coupled to a public switched telephone network 31. All mobile phone systems are coupled to a PSTN because wireless customers often make calls to wireline units, which requires the call to be routed from the wireless telephone system to a PSTN, which can then route the call to the appropriate wireline unit. Note, however, that calls to a wireline unit are do not necessarily pass through the wireless telephone system in Syed. For example, if a wireline customer makes a call to the wireline unit 13 in FIG. 1, this call will be routed within the PSTN 31 to wireline unit 13 without the switching center 27 or any other part of the wireless phone system in FIG. 1 of Syed knowing the call even took place. The Examiner's suggestion that one skilled in the art would simply operate Syed's system in a reverse manner is not supported by Syed. Because a call originating from a wireline unit coupled to the PSTN 31 to the wireline unit 13 never passes through the wireless telephone network, it would be impossible for such a call to be routed by the switching center 27 to also ring the wireless unit 11. It just can't happen. For this reason, the combination of Syed and Dennison do not teach the limitations in claims 8 and 16, and applicants respectfully request reconsideration of the Examiner's rejection of these claims.

Claims 9 and 17

Claims 9 and 17 depend on independent claims that are allowable for the reasons given above. As a result, claims 9 and 17 are allowable as depending on allowable independent claims.

Rejection of claims 18-22 under 35 U.S.C. §103(a) as being unpatentable over Syed and Dennison and further in view of Hardouin

The Examiner rejected claims 18-22 under 35 U.S.C. §103(a) as being unpatentable over Syed and Dennison and further in view of Hardouin. The Examiner's rejection of claim 18 is so fraught with errors that entire portions of the rejection are reproduced below:

As per **claim 18**, Syed teaches a phone system comprising:

A portable phone (figure 1, #11)

A second phone (figure 1, #13)

A call router that rings the second phone when a call is received for the portable phone if the portable phone is within a predetermine physical relationship with the second phone as indicated by the position detector.

But is silent on a phone with position detector and each geographic region having a phone parameter that determines how a call is run and routing a call based on phone parameters for a region.

Applicant is stumped regarding the Examiner's rejection of claim 18. Nowhere does claim 18 recite "a second phone" as stated by the Examiner. Nowhere does claim 18 recited the call router with the specific limitations quoted by the Examiner. And while the Examiner has addressed limitations that are not present in claim 18, the Examiner has also failed to address limitations that ARE present in claim 18. The Examiner has not addressed either of limitations (B) or (C) in claim 18, and while attempting to address the

call router, did not address the proper limitations of the call router expressly recited in limitation (D). In addition, the Examiner cites to Hardouin in the rejection, but then fails to provide any motivation for one of ordinary skill in the art to combine Hardouin with Syed and Dennison. The stated motivation really goes to the motivation to combine Syed and Dennison, not the motivation to combine Syed/Dennison with Hardouin. It is apparent that the Examiner made several mistakes in the rejection of claim 18 that result in the Examiner utterly failing to establish a prima facie case of obviousness for claim 18 under 35 U.S.C. §103(a).

In terms of the substance of the rejection, none of Syed, Dennison nor Hardouin teach or suggest a call router that rings AND ROUTES a telephone call according to the phone parameters for a region, as expressly recited in claim 18. Hardouin teaches ringing a phone according to audio parameters for a region, but Hardouin is devoid of any teaching whatsoever regarding the routing of a call according to phone parameters for a region. In Hardouin, the call is always routed to the phone, then the phone decides how to ring (or not to ring) based on the audio parameters for the region. Because none of the cited art teach or suggest a call router that *routes* a telephone call according to phone parameters for a region, claim 18 is allowable over all of the cited art. Applicants respectfully request reconsideration of the Examiner's rejection of claim 18 under 35 U.S.C. §103(a).

Claim 19

Claim 19 depends on claim 18, which is allowable for the reasons given above. As a result, claim 19 is allowable as depending on an allowable independent claim.

Claim 20

In rejecting claim 20, the Examiner states: “Syed in view of Dennison/Hardouin teaches claim 18 wherein and [sic] the mechanism (in C) reside [sic] in the portable phone (abstract teaches phone interacts with registration device) . . .” For the sake of clarity, limitations (B) and (C) in claim 18, upon which claim 20 depends, state:

. . . (B) at least one defined geographical region, each defined geographical region having corresponding phone parameters that determine how a call is rung and routed;

(C) a mechanism that receives the position of the portable phone from the position detector, and that determines from the position of the portable phone whether the portable phone enters or exits a defined geographical region; . . .

Claim 20 recites “the at least one geographical region in (B) and the mechanism in (C) reside within the portable phone . . .” The Examiner states that (C) residing in the mobile phone is taught by Syed in view of Dennison/Hardouin, claiming that an abstract teaches the phone interacts with a registration device. None of the abstracts of Syed, Dennison nor Hardouin teach a phone that interacts with a registration device. The Examiner seems to be pulling language out of the air instead of out of the cited references. Even if one of the abstracts states that a phone interacts with a registration device, this does not read on the mechanism in (C) residing in the portable phone. To the contrary, Syed and Hardouin teach that the phone system determines the location of the portable phone, which expressly teaches away from providing the mechanism of (C) within a portable phone. For this reason alone, claim 20 is allowable over the cited art.

The Examiner states that Syed in view of Dennison/Hardouin is silent on the geographical region in (B), then cites to Hardouin as allegedly teaching a system level table in figures 4 and 5 that one skilled in the art would provide in the portable phone. So in one sentence, the Examiner states that Hardouin is silent on this claim limitation, and

in the very next sentence the Examiner states that Hardouin teaches this claim limitation. The Examiner's rejection is therefore unclear.

Hardouin teaches a phone system that tracks location of the mobile units, and includes a system level table in figure 4 that determines how phones in different regions are rung. To say that one skilled in the art would be motivated to provide the table in FIG. 4 of Hardouin in a portable phone is just plain silly. Everything in Hardouin is directed to the system tracking location of the phones, so the system table in FIG. 4 has to be in the system, not in the phones. If one were to incorporate the table in FIG. 4 into the phones, the system of Hardouin would no longer work. The table in FIG. 4 and the mechanism that determines the position of the phone have to both be in the same place, either in the system itself or in the phone. There is no motivation in Hardouin to move both the position detector and the table in FIG. 4 into the phone. The only motivation that exists is in applicant's claims, which amounts to impermissible hindsight reconstruction.

It is especially interesting to consider the rejection of claim 20 in light of the Examiner's rejection of claim 21. In the rejection of claim 21, the Examiner admits that the system level table in figure 4 of Hardouin resides in the phone network. Yet in the rejection of claim 20, the Examiner glibly states without any support or suggestion in the art or in any of the cited references that one skilled in the art would provide the system level table in figure 4 of Hardouin in the portable phone. This shows that the Examiner has not made the requisite showing of obviousness to establish a prima facie case under 35 U.S.C. §103(a). Because none of the cited art nor their combination teach or suggest that (B) and (C) are both in the portable phone, claim 20 is clearly allowable over the cited art. In addition, claim 20 depends on claim 18, which is allowable for the reasons given above. As a result, claim 20 is also allowable as depending on an allowable independent claim. Applicants strenuously assert that the Examiner's rejection of claim

20 under 35 U.S.C. §103(a) is in error, and respectfully requests reconsideration of the Examiner's rejection of this claim.

Claim 21

Claim 21 depends on claim 18, which is allowable for the reasons given above. As a result, claim 21 is allowable as depending on an allowable independent claim, and applicants respectfully request reconsideration of the Examiner's rejection of claim 21 under 35 U.S.C. §103(a).

Claim 22

Claim 22 includes the limitation at lines 6-7 of:

defining phone parameters that determine how a call is rung and routed for each defined geographical region;

Hardouin teaches defining audio parameters that determine how a call is rung for each defined geographical region. However, Hardouin does not teach phone parameters that determine how a call is routed for each defined geographical region. For this reason, claim 22 is allowable over the cited art.

Claim 22 at lines 11-14 recites:

updating phone parameters for a geographical region when the portable phone enters the geographical region;
updating phone parameters for a geographical region when the portable phone exits the geographical region;

Nowhere does Hardouin teach or suggest that the audio parameters for a geographical region are updated as a phone enters and exits the geographical region. To the contrary,

Hardouin teaches just the opposite. The audio parameters in Hardouin are defined for a geographical region. When a phone enters a geographical region, it inherits the audio parameters for that region. The audio parameters for a region are fixed, and do not change as phones enter or exit the region. When a call is routed to a phone in the region, the phone rings with audio input and output settings according to the audio parameters for the region that the phone inherited when it entered the region. The system in Hardouin thus expressly teaches away from updating phone parameters as a portable phone enters and exits the geographical region, as recited in claim 22. The phone parameters for each geographical region in claim 22 are updated as phones enter and exit the region. This is required so the call router knows which phone or phones to route the call to (and ring) when a call is received. In Hardouin, in contrast, the audio parameters for a defined geographical region are unaffected by phones entering and exiting the region because these phones automatically inherit the audio parameters for the region when they enter the region. The functions in Hardouin can be performed at the level of the mobile phone because the audio parameters only affect how an incoming call is rung. Hardouin thus teaches no function that affects the *routing* of calls according to phone parameters for a geographical region.

The Examiner's language in the rejection shows that the Examiner has not properly mapped the teachings of Hardouin on the claim limitations. In Hardouin, each defined geographical region has defined audio parameters, as shown by the system level table in FIG. 4 of Hardouin. When a phone enters a region, the phone inherits the audio parameters for that region. This behavior allows the phone to act as desired as the phone moves between different defined geographic regions. Note, however, that the audio parameters in the geographic regions do not change. These remain constant as defined in the system level table in FIG. 4. What changes is the audio parameters in the phone, which are updated to reflect the current geographical location of the phone by the phone inheriting the audio parameters from the current geographical location. The first two clauses in the language quoted above for claim 22 recite "updating the phone parameters

for a geographical region when the portable phone enters/exits the geographical region”. In Hardouin, the parameters for the phone are updated, not the parameters for the geographical region. The parameters for a geographical region are unaffected by phone moving into or out of the region. For this reason alone, claim 22 is clearly allowable over the cited art.

In the system of Hardouin, the function of the portable phone changes as a phone moves between geographical regions, but calls are not *routed* according to the phone parameters. In Hardouin, the call is always routed to the portable phone. The portable phone may decide whether to ring or vibrate, but the call is always routed to the portable phone. Hardouin does teach ringing a telephone call according to the audio parameters for a defined geographical region. However, Hardouin has no teaching whatsoever regarding the *routing* of a call according to phone parameters for a defined geographic region. For this reason, claim 22 is allowable over the cited art.

For the many reasons given above, claim 22 is allowable over the cited art, and applicants respectfully request reconsideration of the Examiner’s rejection of claim 22 under 35 U.S.C. §103(a).

Rejection of claim 26 under 35 U.S.C. §103(a)

The Examiner rejected claim 26 as being unpatentable over Syed and Dennison and further in view of Schmitt. The Examiner admits that Syed is silent on ALL THE EXPRESS LIMITATIONS in claim 26. The Examiner then cites to Schmitt. This silly rejection was address in detail in the Appeal Brief, which is reproduced verbatim below.

The Examiner rejected claim 26 under 35 U.S.C. §103(a) as being unpatentable over Jonsson in view of U.S. Patent No. 6,459,695 to Schmitt. In the rejection of claim 26, the Examiner admits that Jonsson is

silent on limitations 1-5 in claim 26. The Examiner then cites to Schmitt as teaching a method that can identify a region within a geographic coverage of a base station in a wireless network and interpolate the locations in said region to define a boundary of said region, citing claim 1 of Schmitt. Applicants readily admit that the Examiner's reading of Schmitt is very creative. But Schmitt does not read on the specific steps recited in claim 26.

Schmitt teaches a way for a wireless communication system to identify hot spots or dead spots. Referring to claim 1 of Schmitt cited by the Examiner, the Schmitt method determines a number of calls that have been dropped by the base station, determines an approximate location of each wireless station when its call was dropped, and interpolates the locations of each wireless station whose calls have been dropped to define a boundary for the region. All of these functions are performed by the wireless system itself. NONE OF THESE FUNCTIONS ARE PERFORMED BY A WIRELESS STATION. The steps in claim 26 include:

- (1) placing the portable phone in a dynamic region definition mode;
- (2) moving the portable phone to a first boundary point;
- (3) storing the first boundary point as a boundary point for the region as detected by the internal position detector;
- (4) repeating steps (2) and (3) until all desired boundary points have been entered; and
- (5) computing a region by connecting the boundary points.

While Schmitt does define a dead region where phone calls have been dropped, nowhere does Schmitt teach or suggest a definition of a region using a portable phone that performs the specific steps in claim 26. The Examiner has not addressed these individual steps 1-5 in claim 26. For this reason, the Examiner has failed to establish a prima facie case of obviousness for claim 26 under 35 U.S.C. §103(a).

Nowhere does Schmitt teach ANY of the limitations 1-5 in claim 26. The computation of a region in Schmitt is done by determining a location of a wireless station when a call is dropped. The dropping of a call is an unintended event. Nowhere does Jonsson nor Schmitt teach or suggest the defining of a region using a portable phone as recited in claim 26.

In the Response to Arguments section of the pending office action, the Examiner states:

The “exact wording” is not the basis for novelty, it is the “system’s description and functionality” that warrants its novelty. Hence, Schmitt’s teaching of a method that can identify a region within a geographic coverage area of a BTS in a wireless network and interpolate the locations in said region to define a boundary reads on steps 1-5 and combines with Jonsson for a proper rejection.

Wow. The Examiner’s language seems to imply that he can ignore the express claim limitations and instead look to the “description and functionality” that underlie the claim limitations. This rejection does not even pass the laugh test. For the Examiner to assert that he does not have to read the prior art on each and every claim limitation is ludicrous. How nice it would be if the PTO would provide proper training to their examining corps to avoid such misstatement of the proper standards for

examining claims in a final rejection! Applicants' attorney is not going to dignify the Examiner's silly rejection with a detailed analysis. All that needs to be said is that the Examiner has failed to read the prior art on ANY of the five express limitations in claim 26. As a result, the Examiner has failed to establish a prima facie case of obviousness for claim 26 under 35 U.S.C. §103(a). The fact that the prior art defines a geographical region and the method in claim 26 defines a geographical region is not the issue. Claim 26 is directed to a specific method with the five steps expressly listed. NONE of these five steps are taught in either of the cited references. For this reason, claim 26 is clearly allowable over the combination of Jonsson and Schmitt. Applicants respectfully request that the Examiner's rejection of claim 26 under 35 U.S.C. §103(a) be reversed.

This argument laid out in detail in the Appeal Brief shows the many errors in the Examiner's rejection. It is a complete mystery why the Examiner insists on trying to defend such a lousy and defenseless rejection. **THE EXAMINER HAS ADDRESSED**

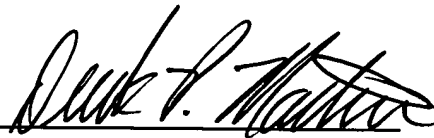
NONE OF THE EXPRESS LIMITATIONS IN CLAIM 26!!!!!!!!!!!!!!!!!!!!!!

Applicants' attorney has been prosecuting patent applications before the USPTO for over 14 years, and NEVER in all his years of practice has he encountered an examiner that has tried REPEATEDLY to defend a rejection that addresses NONE of the claim limitations. This rejection is laughable, except for the expense the Examiner is costing applicants by repeatedly holding to this ridiculous rejection. Mr. D'Agosta, please, see your supervisor. This rejection doesn't pass the smell test. Do the right thing and allow this claim, or at least do a reasonable job of addressing the express claim limitations. This claim is a slam dunk win for applicants if this case goes back up on appeal.

Conclusion

In summary, none of the cited prior art, either alone or in combination, teach, support, or suggest the unique combination of features in applicants' claims presently on file. Therefore, applicants respectfully assert that all of applicants' claims are allowable. Such allowance at an early date is respectfully requested. The Examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

Respectfully submitted,

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